

Appl. No. 08/709,930
Response to Office Action mailed July 9, 2004
AMENDMENT UNDER 37 CFR 1.116 EXPEDITED PROCEDURE
EXAMINING GROUP

PATENT

Remarks

Claims 115, 119, 124-126, 161, 164, and 165 are pending. Claims 115, 123-126, 161, 162, 164, and 165 remain pending. Claims 119-122 and 163 were canceled. Claims 164 and 165 have been amended.

Applicant gratefully acknowledges the allowance of claims 115, 123-126, 161, and 162. Claims 164 and 165 were objected to as depending from a non-allowed base claim, but were indicated as defining patentable subject matter. Claim 164 has been amended to incorporate all of the elements of prior independent claim 163 (from which it depended). Claim 165 has also been amended to incorporate all of the elements of prior claim 163 (from which it also depended), and has also been amended substantively to recite that the controller comprises (rather than "is") a computer, and to avoid arguably circular claim language). Nonetheless, claims 164 and 165 remain patentable and have been amended to independent form.

Prior Rejections to the Claims

Regarding prior claim 163, Applicant has canceled this claim solely to expedite prosecution. Specifically, Applicant notes that the Office Action of July 9, 2004 fails to establish that a *res judicata* is appropriate for prior claim 139, which corresponds to claim 163. As extension of a *res judicata* beyond the sustained rejection of claim 138 to claim 139 is inappropriate, Applicant reserves the right to pursue this matter in a related application.

Regarding claims 119-122, Applicant has canceled these claims solely to (at long last) advance the present application to issuance, rather than for substantive reasons of patentability. Hence, Applicant reserves the right to pursue, for example, claims directed to proportional telesurgery system and methods similar to those canceled herein (and other subject matter) in one or more related applications.

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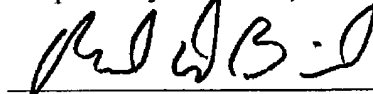
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CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance and an action to that end is urged.

If the Examiner believes a telephone conference would aid in the prosecution of this case in any way, please call the undersigned at 650-326-2400.

Respectfully submitted,



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